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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

GREGORY BURDEN,

Defendant and Appellant.

B204790

(Los Angeles County
Super. Ct. No. BA328994)

APPEAL from a judgment of the Superior Court of Los Angeles County. Ronald Combest, Judge. Affirmed.

Gregory L. Cannon, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

* * * * *

Gregory Burden, also known as Vernon Burden, was found guilty of possession of cocaine base for the purpose of sale (Health & Saf. Code, § 11351.5). He admitted an enhancement for a prior prison term. He was sentenced to a total of five years in prison. He appealed. His appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). He was notified that he could file his own brief and has not done so.

The evidence showed that police detectives were investigating complaints of narcotics sales in the fenced-off area under a freeway overpass. They saw a person climb into that area, disappear from sight briefly, and come out again. When they confronted the person, they found that he had cocaine base in his mouth and a cocaine pipe in his pocket. The detectives climbed over the fence, went into the area, and saw appellant with a small group of men. Appellant stood up and made a throwing motion as the officers approached. He walked in the direction of the item he had tossed, placed a trash bag over it, and walked away. Under the trash bag, the officers found \$75 and a container that held 10 to 15 pieces of rock cocaine (cocaine base). Appellant had one \$10 bill in his hand. There also was expert testimony that the cocaine base was possessed for the purpose of sale.

From our review of the record, we are satisfied that appellant's counsel on appeal has fully complied with his responsibilities and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259; *Wende, supra*, 25 Cal.3d at p. 441; *People v. Kelly* (2006) 40 Cal.4th 106, 123-124.)

DISPOSITION

The judgment is affirmed.

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FLIER, J.

We concur:

RUBIN, Acting P. J.

BIGELOW, J.